THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO 1424 of 2005

Date: 08-08-2005

Between:

Manepalli Mohan Rao …Appellant

And

S.Suresh Kumar and others ….Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL NO 1424 of 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

Learned Single Judge came to the conclusion that the writ petitioner-appellant was kept in wrongful confinement for a period of 130 days, therefore, he ordered compensation of Rs.10,000/- to be paid to the writ petitioner. The learned Single Judge, imposed a condition that Rs.5,000/- out of the amount of compensation shall be kept in an F.D.R for a period of one year and if the writ petitioner did not commit any offence during the period of one year, he would be entitled to this amount, otherwise, the amount would not be paid to him. The writ petitioner is aggrieved of this portion of the order.

After the learned Single Judge had come to the conclusion that the writ petitioner had been kept in wrongful confinement for a period of 130 days and he was entitled to the compensation, we do not think that the condition imposed was justified. This

compensation has not been awarded by the learned Single Judge to the writ petitioner for something to be done or not to be done by him in future. Compensation was ordered to be given to him because he had been illegally confined and it cannot remain dependant on his future conduct. For these reasons, we allow this writ appeal modifying the order of the learned Single Judge to the extent that Rs.5,000/- shall be kept in F.D.R and hold that the petitioner would be entitled to the whole of the compensation of Rs.10,000/-.

Mr. K.Balagopal, learned counsel for the appellant, also submits that since it was the conclusion of the learned Single Judge that the writ petitioner was in wrongful confinement for almost four months, the compensation paid was not adequate, therefore, it should be enhanced. We do not find any reason to enhance the compensation at this stage in the proceedings, which are invoked under Article 226 of the Constitution of India.

The writ appeal is accordingly allowed. No order as to costs.

_____

(Bilal Nazki, ACJ)

8th August, 2005

_____

(G.Chandraiah,J)

-

vrn